

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
April 18, 2007

PRESENT: Mayor Reed, and Councilmembers Cortese, Constant and Liccardo (arrived at 3:50 p.m.)

ABSENT: Councilmember Chirco (excused herself at 3:50 p.m.)

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, Redevelopment Agency City Manager Les White, Assistant Director Gary Miskimon, Deputy City Manager Nadine Nader, and Mayor's Council Agenda Manager Alicia Bosco.

A. City Council

1. Review April 24, 2007 Final Agenda

Action: The Committee approved the following additions to the April 17, 2007 Council Agenda:

- Presentation of commendation to Bruno Figueroa, Consul General of Mexico, for his service to the City of San José upon his new appointment in France.
- Presentation of a commendation to the Volunter Center of Silicon Valley in recognition of National Volunteer Month, and the Center's achievements to strengthen San José through the coordination of valued volunteer efforts.
- Presentation of a proclamation declaring the week of April 24 – May 1, 2007 as *Okayama Week* in the City of San José in recognition of the 50th anniversary of the San José – Okayama Sister City Relationship.
- Item 1.3 (Commendation of the Berryessa Branch Library) was deferred to May 8, 2007.

2. Review May 1, 2007 Draft Agenda

Action: The Committee approved the following additions to the May 1, 2007 Council Agenda:

- Presentation of a commendation to the Silicon Valley Conference for Community and Justice for their extraordinary work they do with youth to promote peace and prevent hate. (Mayor)
- Presentation of a commendation to the Office of the City Clerk recognizing the week of April 29 – May 5, 2007 as Municipal Clerk's Week. (Mayor)

- Request of excused absence for Councilmember Campos. (Cortese)
- Request of excused absence for Vice Mayor Cortese. (Cortese)
- Approval of appointments to the Downtown Parking Board. (Mayor)
- Approval of actions related to the San José Municipal Stadium. (Oliverio)

B. Redevelopment Agency

1. Review April 24, 2007 Final Agenda

There were no items for the April 24, 2007 Redevelopment Agency Agenda.

2. Review of May 1, 2007 Draft Agenda

There were no items for the May 1, 2007 Redevelopment Agency Agenda.

C. Legislative Update

1. State

a. Adopt Support Position for HR 359 (Solis), the César Estrada Chavez Study Act. (Cortese)

Documents Filed: Memorandum from Vice Mayor Cortese dated April 12, 2007 recommending adopting support position for HR 359 (Solis), the César Estrada Chavez Study Act

Discussion: Betsy Shotwell, Director of Intergovernmental Relations, clarified that this is a Federal legislative item, not State.

Action: The Committee accepted the recommendation.

b. Proposition 1C (Housing Bond) – Legislative Guiding Principles.

Document Filed: Memorandum from Housing Director Leslye Krutko dated April 13, 2007 recommending approval of setting “guiding principles” relating to Proposition 1C and giving direction to staff.

Discussion: Housing Director Leslye Krutko provided a breakdown of the fund components of Proposition 1C and summarized the guiding principles. Committee members provided feedback and input. Vice Mayor Cortese asked staff to converse with staff from ABAG (Association of Bay Area Governments) about their position on Proposition 1C implementation before this issue goes to the full Council.

Action: The Committee approved the guiding principles as amended to include the Committee's comments; directed the Administration to work closely with the State Legislature and, further, to get clarification from ABAG on their position.

2. Federal

This item was discussed in the "State" section of the agenda.

D. Meeting Schedules

1. Approve to reschedule the May 14, 2007 Community and Economic Development Committee to May 24, 2007.

Document Filed: Memorandum from Paul Krutko dated April 13, 2007 recommending approval to reschedule the May 14, 2007 Community and Economic Development Committee to May 24, 2007

Action: The Committee rescheduled the meeting.

E. The Public Record

Document Filed: 1) Memorandum from Lee Price, City Clerk, dated April 13, 2007 transmitting the Public Record for the week of April 6 - April 12, 2007

Action: The Committee noted and filed the Public Record.

F. Appointments to Boards, Commissions and Committees

1. Re-appointments to the Parks and Recreation Commission and the Disability Advisory Commission.

Documents Filed: 1) Memorandum from Councilmember Pyle dated April 9, 2007 recommending the re-appointment of Mark Russell Swineford to the Parks and Recreation Commission; and 2) Memorandum from Councilmember Pyle dated April 9, 2007 recommending the re-appointment of Otila Salazar to the Disability Advisory Commission.

Action: The Committee approved the appointments.

G. Rules Committee Reviews, Recommendations and Approvals

1. Review the Independent Police Auditor's Report and Recommendations from Community Forums regarding the police in San José.

This item was deferred to April 25, 2007.

2. Approve the Revised Commission/Liaison Code of Conduct Policy

Documents Filed: 1) Memorandum with attachments from City Attorney Rick Doyle dated April 12, 2007 recommending approval of the revised Commission/Liaison Code of Conduct Policy.

Discussion: City Attorney Rick Doyle and Senior Deputy City Attorney Norm Sato provided an overview of the draft revised Commission/Liaison Code of Conduct Policy. The Committee provided feedback and suggestions for revisions to provide greater clarity.

Action: The policy was referred back to the City Attorney's Office for amendments.

3. Response to the request for Council Action regarding Jeppeson International

Documents Filed: 1) Memorandum from City Attorney Rick Doyle dated April 16, 2007 regarding Jeppeson International; 2) Memorandum from San José Redevelopment Agency Executive Director Harry s. Mavrogenes dated April 13, 2007 regarding public funding for Jeppeson International; 3) Correspondence from Terry McCaffrey, Area Coordinator for Amnesty International dated April 6, 2007 supporting the resolution passed by the San José Human Rights Commission regarding Jeppeson International; and 4) Correspondence from Reverend Diana Gibson, Reverend Margo Tenold, and Reverend Jerry Fox of Council of Churches of Santa Clara County dated April 3, 2007 endorsing the resolution passed by the San José Human Rights Commission;

Discussion: City Attorney Rick Doyle responded to Committee questions and referenced Council Policy 0-11, which states, in part, the Council shall not act or take a position on matters concerning foreign policy. City Attorney Rick Doyle further stated that the Council did have the authority to investigate Jeppeson International, the Federal government, and the Central Intelligence Agency. Mayor Reed suggested that the issue was beyond the scope of the Committee, that it be referred back to the Human Rights Commission.

Public Comment: Charlotte Casey, Betsy Wolf-Graves and Jeffrey Lake spoke in favor of Council Action on the Human Rights Commission resolution.

Human Rights Commission Chair Lawrence Boesch stated that the Commission did not consider Councilmember Liccardo's question on the City's ability to limit Jeppeson's ability to advertise at events sponsored by organizations other than the

City and requested that the Committee defer this item to allow the Human Rights Commission to review the City Attorney's memorandum and decide whether they would respond to it or not.

Action: No action taken.

4. Greenhouse Gas Reduction Goals Development Process

Document Filed: Memorandum from Environmental Services Director John Stufflebean dated April 11, 2007 regarding Greenhouse Gas Reduction Goals.

Discussion: Environmental Services Director John Stufflebean and Environmental Program Manager Mary Tucker provided the staff report.

Action: The Committee provided support for the program goals and referred the matter to the Transportation and Environment Committee.

H. Review of additions to Council Committee Agendas

1. Community and Economic Development Committee

- **Amendment to the Community and Economic Development Committee workplan to include a discussion on the options for partnering with the Hispanic Heritage Baseball Museum Hall of Fame to develop a permanent**

Action: The Committee amended the Community and Economic Development Workplan, as recommended.

2. Neighborhood Services and Education Committee

3. Transportation and Environment Committee

4. Public Safety, Finance and Strategic Support Committee

I. Open Government Initiatives

1. Reed Reforms

2. Sunshine Reform Task Force

3. Significant Public Records Act Requests

4. Council Policy Manual Update

- **Approve Method and Process for Council to validate policies contained in the City Council Policy Manual and Validation of selected policies.**

Document Filed: Memorandum from Deputy City Manager Deanna Santana dated April 13, 2007 recommending approval of a method and process for Council to validate policies contained in the City Council Policy Manual and validation of selected priorities.

Action: The Committee approved the recommendations and asked staff to forward them on to the full Council on May 1, 2007.

J. Open Forum

There were none.

K. Adjournment

The meeting was adjourned at 4:03 p.m.

Chuck Reed, Mayor
Rules and Open Government Committee